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Birch, Stewart, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of NAKADA et al
U.S. Application No.: 09/831,598
Int. Application No.: PCT/JP99/06255
Int. Filing Date: 10 November 1999
Priority Date: 13 November 1998
Attorney Docket No.: 0020-4863P
For: AZEOTROPIC COMPOSITION....

COMMUNICATION

This is in response to applicants' "Petition Under 37 C.F.R. 1.181 Requesting Acknowledgment of Earlier Declaration Filing Date" filed 04 December 2001.

BACKGROUND

On 10 November 1999, applicants filed international application PCT/JP99/06255, which claimed priority of an earlier Japan application filed 13 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2001 (13 May 2001 was a Sunday).

On 11 May 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 June 2001, applicants filed a letter which states that it is accompanied by an executed declaration.

On 06 July 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 July 2001, applicants filed a letter which states that it is accompanied by a copy of the declaration purportedly filed on 06 June 2001.

On 02 November 2001, this Office mailed a communication which stated that the declaration purportedly filed 06 June 2001 is not present in the application file.

On 04 December 2001, applicants filed the present petition along with a copy of a return postcard receipt which lists an executed declaration in its itemized contents and bears a USPTO date stamp of 06 June 2001.

DISCUSSION

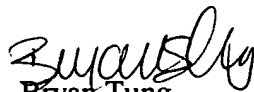
The evidence of record is sufficient to establish that the declaration was originally filed on 06 June 2001. Specifically, the copy of the return postcard, which includes an "Executed Declaration" in its itemized contents and which bears a USPTO date stamp of 06 June 2001, serves as *prima facie* evidence that the declaration was received by the USPTO on 06 June 2001.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date of 10 November 1999 and a date under 35 U.S.C. 371 of 06 June 2001.

The application will be forwarded to the DO/EO/US for processing in accordance with this decision.


Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614

Facsimile: 703-308-6459